

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

DOCKET NO. 2020-____-C

In Re:)	
)	
Application of Aiken Electric Cooperative,)	APPLICATION OF
Inc. for Designation as an Eligible)	AIKEN ELECTRIC COOPERATIVE, INC.
Telecommunications Carrier Pursuant to)	FOR DESIGNATION AS AN ELIGIBLE
Section 214(e) of the Communications Act)	TELECOMMUNICATIONS CARRIER
of 1934)	
_____)	

INTRODUCTION

Aiken Electric Cooperative, Inc. (“Aiken Electric” the “Company” or “Applicant”), pursuant to Section 214(e) of the Communications Act of 1934 (the “Act”), 47 U.S.C. §214(e), the implementing rules of the Federal Communications Commission (“FCC”) and South Carolina Public Service Commission Regulation 103-690, hereby requests that the Public Service Commission of South Carolina (“Commission”) designate Aiken Electric as an Eligible Telecommunications Carrier (“ETC”) in the State of South Carolina (“Application”).

This designation is sought in the one census block where Aiken Electric has been allocated Rural Digital Opportunity Fund (“RDOF”) Phase I support by the Federal Communications Commission (“FCC”) as a winner in the RDOF Phase I auction (“Auction 904”).¹

As demonstrated by this Application, and the Affidavit of Gary L. Stooksbury, attached as **Exhibit A**, Aiken Electric meets all the statutory and regulatory requirements for designation as an ETC in the State of South Carolina. Aiken Electric respectfully submits that designation of

¹ Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes, Winning Bidders Announced, FCC Form 683 Due January 29, 2021, AU Docket No. 20-34, WC Docket No. 19-126, WC Docket No. 10-90, FCC Public Notice, DA 20-1422 (Dec. 7, 2020). The NRTC Phase I RDOF Consortium submitted an application in the RDOF Phase I auction that included Aiken Electric Cooperative, Inc.

Aiken Electric as an ETC in South Carolina will serve the public interest and requests that the Commission grant this application expeditiously.

In accordance with Commission Order 2001-419,² Aiken Electric will contribute to the South Carolina Universal Service Fund based on revenues that it earns from its South Carolina customers if it is designated as an ETC.

If designated as an ETC, Aiken Electric will use high-cost support it receives to assist with the deployment of its voice and broadband network to serve consumers throughout its proposed ETC Designation Area; to offer and maintain high-quality voice and broadband services to customers; to ensure the reliability of its network providing advanced broadband services to the public. Additionally, high-cost support will enable Aiken Electric to provide Lifeline discounted service to qualifying low-income customers who reside within the Company's service areas and who may otherwise not afford service.

Correspondence or communications pertaining to this Application should be directed to the Company's attorneys of record:

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Columbia, SC 29211
(803) 227-1112
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with a copy to:

Gary L. Stooksbury
Aiken Electric Cooperative, Inc.
2790 Wagener Road
Aiken, S.C. 29801

² *Proceeding to Establish Guidelines for an Intrastate Universal Service Fund*, Docket No. 97-239-C, Order on Universal Service Fund, Order No. 2001-419 (June 6, 2001), accessed at <https://dms.psc.sc.gov/Attachments/Order/1fd07089-ef67-a30e-7075d29870c6b95d>.

UNIVERSAL SERVICE OFFERING

A. Company Overview.

Aiken Electric is a South Carolina electric cooperative with offices located at 2790 Wagener Road, Aiken, South Carolina, 29801. Aiken Electric is in the process of establishing, through its wholly owned subsidiary AEConnect, Inc. (“AEConnect”), a communications company to build a fiber optic cable network to provide broadband and voice services in South Carolina.

B. Service Area in Which Aiken Electric Requests ETC Designation.

Aiken Electric requests designation in the census block in which it was awarded RDOF Phase I grant funds for the deployment of broadband and interconnected voice services. Aiken Electric was awarded RDOF funds for service to the unserved census blocks in Census Block Group SC-003-0205003. **Exhibit B** is a map showing Census Block Group SC-003-0205003 (lighter shade of green) and the unserved census blocks within that Census Block Group (darker shade of green). Aiken Electric was awarded RDOF funds, and is obligated, to extend service in the unserved (darker green) areas shown on **Exhibit B** and that is the area for which Aiken Electric seeks designation as an ETC.

C. Aiken Electric Will Provide Service as a Common Carrier.

To be designated as an ETC, an applicant must be a common carrier.³ For the customers and locations where RDOF Phase I support has been allocated, Aiken Electric will provide its

³ 47 U.S.C. § 214(e)(1) (providing that a “common Carrier” must be designated as an ETC to receive universal service support). The Act defines a “common carrier” as “any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or interstate or foreign radio transmission of energy” 47 U.S.C. § 153(11).

services on a common carrier basis. As certified by an officer of the Company, Aiken Electric is a common carrier for purposes of Section 214(e) of the Act.⁴

D. Aiken Electric Will Offer the Services Supported by the Federal Universal Service Support Mechanisms.

To be designated as an ETC, an applicant must offer throughout its proposed service areas the services set forth in Section 54.101(a) of the FCC's rules,⁵ either by using its own facilities or a combination of its own facilities and the resale of another carrier's services.

Attached as **Exhibit A** is a sworn affidavit stating that Aiken Electric commits to offer all of the services designated for support by the Federal Communications Commission.⁶ As discussed in the following sections, the Company will offer, upon designation as an ETC, all of the supported services throughout the areas in which the Company is requesting designation as an ETC. The Company commits to provide these services consistent with the applicable FCC rules relating to high-cost universal support.

1. Voice Grade Access to the Public Switched Telephone Network.

Section 54.101(b) of the FCC's rules provides that an ETC must provide "voice telephony service" in order to receive federal universal support.⁷ Section 54.101(a)(1) provides that:

Eligible voice telephony services must provide voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying low-income consumers as provided in subpart E of this part.⁸

⁴ See **Exhibit A**.

⁵ 47 CFR § 54.101(a).

⁶ See *Designation of Fort Mojave Telecommunications, Inc., et al. as Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, AAD/USB File No. 98-28, Memorandum Opinion and Order, 13 FCC Red 4547, 4552 (¶ 11) (1998) ("*Fort Mojave*"). In *Fort Mojave*, the FCC indicated that it will designate carriers as ETCs, pursuant to Section 214(e)(6) of the Act, upon finding that they "offer or will be able to offer" the supported services throughout the service area.

⁷ 47 CFR § 54.101(b).

⁸ *Id.*, § 54.101(a)(1).

Aiken Electric will meet this requirement, directly or through AEConnect, by the provision of an IP-based voice service that is interconnected to the PSTN. The Company will be legally responsible for dealing with the customer problems, providing quality of service guarantees, and meeting universal service-related requirements.

Aiken Electric or AEConnect will offer stand-alone voice telephony service throughout its proposed ETC Designation Area and will offer such service at rates that are reasonably comparable to urban rates. This service will include minutes of use for local service provided at no charge to end users and access to emergency service via E-911, wherever available from local government or public safety organizations. The Company also commits to provide toll limitation services to qualifying low-income consumers as provided in Sections 54.400-54.423 of the FCC's rules.⁹

2. Lifeline Service.

As required by Section 54.405(a) of the FCC's rules,¹⁰ Aiken Electric or AEConnect will offer subsidized Lifeline voice and broadband services, including a standalone voice service offering, to qualifying low-income consumers in accordance with the FCC's rules within its proposed ETC Designation Area.¹¹

E. Aiken Electric Will Comply with Applicable Service and Performance Quality Requirements Adopted by the FCC.

As certified by an officer of the Company,¹² Aiken Electric will comply with the service requirements applicable to the federal universal service support that it receives, including the requirements for receipt of RDOF Phase I support.

⁹ *Id.*, §§ 54.400-54.423.

¹⁰ 47 CFR § 54.405(a).

¹¹ *Id.*, §§ 54.400-54.423.

¹² See **Exhibit A**.

F. Aiken Meets the Requirements Adopted by the South Carolina Public Service Commission to Be Designated as an Eligible Telecommunications Carrier.

As certified by an officer of the Company,¹³ Aiken Electric will meet each of the requirements applicable to ETCs adopted by the Commission, as described in the following sections.

1. Provision of Service.

Aiken Electric, throughout its proposed ETC Designation Area, will provide service to all customers making a reasonable request for service, and will provide service on a timely basis to requesting customers within its proposed ETC Designation Area where Applicant's network passes the potential customer's premises.¹⁴

2. Ability to Remain Functional in Emergency Situations.

Aiken Electric commits that its fiber optic network will have the ability to remain functional in emergency situations, will have a reasonable amount of back-up power to ensure functionality without an external power source, will be able to reroute traffic around damaged facilities, and will be capable of managing traffic spikes resulting from emergency situations.¹⁵

3. Satisfaction of Applicable Consumer Protection and Service Quality Standards.

Under the Commission's regulations, an ETC applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards.¹⁶ Aiken Electric commits to satisfying all such applicable Commission and federal requirements related to consumer protection

¹³ See **Exhibit A**.

¹⁴ S.C. Code R. 103-690.C(a)(1)(A)(1).

¹⁵ *Id.*, R.103-690.C.(a)(2). See 47 CFR § 54.202(a)(2) (providing that a common carrier seeking an ETC designation by the FCC must "[d]emonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations").

¹⁶ S.C. Code R.103.690.C.(a)(3). See 47 CFR § 54.202(a)(3).

and service quality standards. In addition, with respect to Lifeline service, the Company commits to annually certifying compliance with consumer protection and service quality rules on an annual basis consistent with Section 54.422(b)(3) of the FCC's rules.¹⁷

4. Local Usage Plan.

Pursuant to Commission requirements, Aiken Electric commits to offer a local usage plan that will be comparable to the plan offered by incumbent local exchange carrier(s) ("LEC") in its proposed ETC Designation Area, through the offering of various bundled calling plans and packages.¹⁸

5. Equal Access to Long Distance Carriers.

As certified by an officer of the Company,¹⁹ Aiken Electric acknowledges that the FCC may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access within its proposed ETC Designation Area.²⁰ In addition, pursuant to the Commission's rules,²¹ the Company will file an annual certification acknowledging the fact that it may be required to provide equal access to long distance carriers in the event that no other ETC is providing equal access within its proposed ETC Designation Area.

CONCLUSION

WHEREFORE, having demonstrated herein that Aiken Electric satisfies all the conditions of eligibility necessary for designation as an ETC in South Carolina, and having shown that the public and universal service interests of the telecommunications consumers of the State of South Carolina will be properly served, Aiken Electric respectfully requests that the Commission

¹⁷ 47 CFR § 54.422(b)(3).

¹⁸ See S.C. Code R. 103.690.C.(a)(4).

¹⁹ See **Exhibit A**.

²⁰ See S.C. Code R.103.690.C.(a)(5).

²¹ *Id.*, R. 103.690.1.B.(b)(8).

promptly grant this Application and designate Aiken Electric as an Eligible Telecommunications Carrier for the area shown on **Exhibit B** as described in Section B of this application.

s/Frank R. Ellerbe, III
Frank R. Ellerbe, III
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Attorneys for Aiken Electric Cooperative, Inc.

January 6, 2021

STATE OF SOUTH CAROLINA)
)
 COUNTY OF AIKEN)

AFFIDAVIT OF
 GARY L. STOOKSBURY

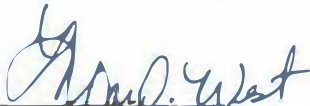
Gary L. Stooksbury, after being duly sworn, states the following:

1. I have personal knowledge of the facts and information set forth in this Affidavit and I am competent to testify to these facts if called as a witness.
2. I am the Chief Executive Officer of Aiken Electric Cooperative, Inc. ("Applicant"). I have read the Application to which this Affidavit is attached. I have knowledge of the facts stated in the Application and those facts are true to the best of my knowledge and my belief.
3. Applicant certifies that it is a common carrier under 214(e)(1)-(2) of the Communications Act of 1934 (the "Act").
4. Applicant commits to provide the services and functionalities required for designation as an Eligible Telecommunications Carrier ("ETC") in its proposed ETC Designation Area.
5. Applicant certifies that it will meet all the FCC's requirements for designation as an ETC under § 241(e)(1) of the Act, and all of the requirements of the South Carolina Public Service Commission for designation as an ETC.
6. Applicant is eligible to be designated as an ETC within the meaning of Section 214(e) of the Act and is eligible to receive federal universal service support pursuant to Section 254(c) of the Act.
7. Applicant will use the federal high-cost support funds that it receives only to provide, deploy, upgrade and/or maintain facilities and services for which the support is intended.



Gary L. Stooksbury
 Chief Executive Officer
 Aiken Electric Cooperative, Inc.

Subscribed and sworn to before me
 this 6th day of January, 2021.



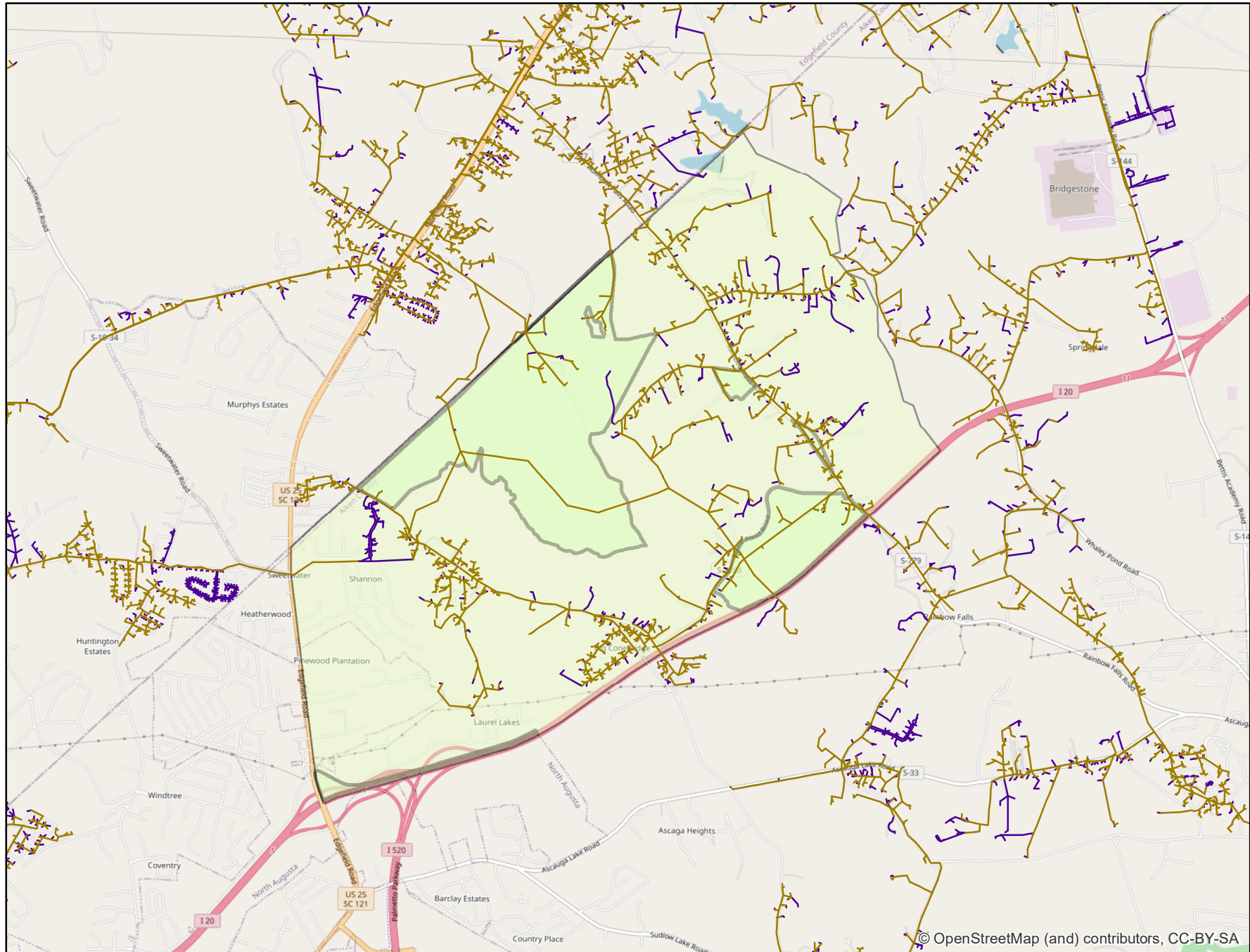
Notary Public for South Carolina

Lynn D. West

(Print Name of Notary)

My Commission Expires: 6/10/2021

RDOF Census Block Group Won By AEC



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IN RE:

CERTIFICATE OF SERVICE

Ioni C. Hawkins